

ROCHE MOLECULAR SYSTEMS, INC.,
Plaintiff,
v.
CEPHEID,
Defendant.

Case No. 14-cv-03228-EDL

ORDER LIFTING STAY

Dkt. No. 63

The parties filed a Joint Status update on May 18, 2016. Dkt. No. 72. In it, they reported on the status of the two petitions pending at the PTAB, the first concerning IPR2015-00255 claims 1-3 and 17-20) and the second concerning IPR2015-00881 (concerning claim 21). With regard to IPR2015-00255, the parties state that PTAB issued a decision not to institute that petition. Defendant requested a rehearing of that decision, which was denied on September 16, 2015. On September 17, 2015, the PTAB instituted an Inter Partes Review of claim 21. On January 8, 2016, Plaintiff filed a statutory disclaimer of claim 21 with the Certificate of Corrections branch of the PTO. The PTO has not acted on the statutory disclaimer. Plaintiff now states that it will not assert claim 21 in this action or any future action against Defendant. In light of these facts, the parties state that they believe the stay in this case should be lifted without waiting for any formal conclusion to IPR2015-00881.

The Court hereby lifts the stay. A further case management conference is set for June 14, 2016. The parties shall file an updated case management statement by June 7, 2016.

IT IS SO ORDERED.

Dated: May 20, 2016


ELIZABETH D. LAPORTE
United States Magistrate Judge